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Frank R. Agovino

November 26, 2003

## UTILITY PATENT APPLICATION TRANSMITTAL

(new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket Number: 4069/GETS 5294.2

First Named Inventor: Gerald James Hess, Jr.

Title: CONTROL SYSTEM FOR OPTIMIZING THE OPERATION OF TWO OR MORE  
LOCOMOTIVES OF A CONSIST

Express Mail Label Number: EL 998652286 US

TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form  
(original and duplicate)
2. ☐ Applicant claims small entity status
3. ☒ Specification [Total Pages 34]
4. ☒ Drawings [Total Sheets 02]
5. Oath or Declaration [Total Pages 04]
  - a. ☐ Newly executed (original or copy)  
☐ New (unexecuted)
  - b. ☒ Copy from a prior application  
(for continuation/divisional with  
Box 19 completed)
    - i. ☐ DELETION OF INVENTOR(s)  
Signed statement attached  
deleting inventor(s) named  
in prior application.

13146 U.S. PTO  
112603

22154 U.S. PTO  
10/722610  
112603

6. ☒ Incorporation By Reference  
(useable if Box 5b is marked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☒ Application Data Sheet
8. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

10. ☐ Assignment Papers (cover sheet & document(s))
11. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
12. ☐ English Translation Document (if applicable)
13. ☒ IDS with PTO/SB/O8A ☐ Copies of IDS Citations
14. ☒ Preliminary Amendment
15. ☒ Return Receipt Postcard
16. ☐ Request and Certification for Non-Publication. Form PTO/SB/35 is attached.
17. ☐ Certified Copy of Priority Document(s) if foreign priority is claimed
18. ☐ Other: \_\_\_\_\_

**IF A CONTINUING APPLICATION, CHECK APPROPRIATE BOXES AND SUPPLY THE REQUISITE INFORMATION**

19. ☐ Continuation ☒ Divisional ☐ Continuation-in-Part of prior application No.: 10/177,547
- ☐ Complete Application based on provisional Application No. \_\_\_\_\_

Prior application information: Examiner: M. Le  
Group Art Unit: 3617

CORRESPONDENCE ADDRESS

20. Correspondence Address: Customer Number 321  
Attention: Frank R. Agovino

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank R. Agovino". The signature is written in a cursive, flowing style.

Frank R. Agovino, Reg. No. 27,416

FRA/ROE/cjl

FEE TRANSMITTAL

Application Number Not yet assigned  
Filing Date November 20, 2003  
Confirmation No. Not yet assigned  
Inventor(s) Hess, Jr. et al.  
Group Art Unit Not yet assigned  
Examiner Name Not yet assigned  
Attorney Docket Number 4969/GETS 5294.2

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 07-0846.  
  
☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.  
  
☐ Applicant claims small entity status.
2. ☐ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

## FEE CALCULATION

1. [X] BASIC FILING FEE Subtotal (1) \$770.00  
(Type: utility)
2. [X] EXTRA CLAIM FEES Subtotal (2) \$740.00  
  
Total Claims 42  
Independent Claims 07  
Multiple Dependent Claims 00
3. [ ] ADDITIONAL FEES Subtotal (3) \$            
  
[ ] Surcharge - late filing fee or oath  
[ ] Surcharge - late provisional filing fee or cover  
sheet  
[ ] Extension for reply within            month  
[ ] Notice of Appeal  
[ ] Filing a Brief in Support of an appeal  
[ ] Request for ex parte Reexamination  
[ ] Petitions to the Commissioner  
[ ] Submission of Information Disclosure Statement  
[ ] Recording each patent assignment per property  
[ ] Request for Continued Examination  
[ ] Other:

TOTAL AMOUNT OF PAYMENT	\$1,510.00
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Frank R. Agovino  
Frank R. Agovino, Reg. No. 27,416

November 26, 2003  
Date

FRA/ROE/cjl

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